

AMENDED IN SENATE MAY 10, 2000
AMENDED IN SENATE AUGUST 16, 1999
AMENDED IN ASSEMBLY MAY 28, 1999
AMENDED IN ASSEMBLY MARCH 25, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 102

Introduced by Assembly Members Wildman and Hertzberg
(Principal coauthors: Assembly Members Kuehl, Margett,
and Vincent)

(Principal coauthor: Senator Murray)
(Coauthors: Assembly Members Calderon, Cardenas,
Gallegos, Knox, Machado, Romero, and Scott)
(Coauthors: Senators Hughes and Solis)

December 21, 1998

~~An act to amend Sections 163, 164, and 167 of, and to repeal Sections 215.5 and 215.6 of, the Streets and Highways Code, relating to transportation. An act to amend Section 30630.5 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 102, as amended, Wildman. ~~Transportation: funding~~
Southern California Rapid Transit District: charter service.

Existing law authorizes the Southern California Rapid Transit District to operate charter bus service, subject to certain limitations.

This bill would authorize the district to provide charter service for a national political convention to be held in Los Angeles in August, 2000, to the extent that private charter-party carriers are not capable of providing that service, as defined.

The bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law requires all transportation funds that are available to the state to be expended according to specified priorities. Twenty-five percent of the balance available after deducting expenditures for those priorities is required to be available for interregional capital improvement projects, and 75% of that balance is required to be available for regional capital improvement projects, both of which are programmed in the state transportation improvement program. The funds made available for regional projects are required to be used for, among other things, soundwall projects.~~

~~Existing law requires the Department of Transportation to develop and implement a system of priorities for ranking the need for retrofitting soundwalls along freeways. Existing law provides that if a city or county contributes at least 33% of the estimated cost of any soundwall project included for the first time in the state transportation improvement program in 1992 or in subsequent years, that project shall be given priority, as provided.~~

~~This bill would repeal both of those provisions relating to the priority rankings of soundwall projects.~~

~~This bill would require expenditures for retrofitting the soundwalls on a specified priority list established by the department on May 3, 1989, to be funded prior to making state transportation funds available for interregional and regional capital improvement projects in the state transportation improvement program. The bill would provide that soundwall retrofit projects on the department's priority list would not be funded as regional soundwall projects.~~

~~The bill would also require annual expenditures for development of a waterborne transit system in the 9 county San Francisco Bay area, as defined, to be equal to the amount of state funds that are needed to complete, on or before July 1, 2003, both the planning and design of the waterborne transit~~

system in that area and the development of the land-based infrastructure necessary to support that system. The bill would prohibit the total expenditure under this provision from exceeding \$30,000,000. The bill would require the annual expenditures for development of the system to be funded prior to making state transportation funds available for interregional and regional capital improvement projects in the state transportation improvement program.

Vote: majority ²/₃. Appropriation: no. Fiscal committee: yes no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 163 of the Streets and Highways~~
2 ~~SECTION 1. Section 30630.5 of the Public Utilities~~
3 ~~Code is amended to read:~~
4 30630.5. The district may operate charter bus service,
5 subject to *all of* the following limitations:
6 (a) No bus equipment ~~which~~ *that* is designed solely for
7 charter service shall be purchased. A bus equipped with
8 a toilet or underfloor baggage compartment shall be
9 deemed to be bus equipment ~~which~~ *that* is designed
10 solely for charter service.
11 (b) Except as provided in ~~subdivision~~ *subdivisions* (d)
12 *and* (e), the board shall hold a public hearing prior to
13 adopting a charter rate schedule or any amendment
14 thereto. Notice of the hearing shall be mailed to each
15 charter-party carrier operating within the district at least
16 30 days prior to the date of the hearing. The notice shall
17 include the proposed charter rate schedule. At the close
18 of the public hearing, the board may adopt charter rate
19 schedules, which shall not be less than the average for the
20 three largest private ~~charter-party~~ *charter-party* carriers
21 operating similar service in the district.
22 (c) Charter service operations by the district shall
23 originate and terminate within the area served by the
24 district, unless a private charter-party carrier requests
25 the district to provide service beyond that area.
26 (d) The district may establish a schedule of rates for
27 charter bus services ~~which~~ *that* are incidental to the

1 holding of the Olympic Games in Los Angeles. The rates
2 for charter-party bus services established under this
3 subdivision shall be sufficient to pay all fully allocated
4 costs related to those charter bus services and shall
5 contribute financially to the reduction of deficits incurred
6 by the district in the operation of scheduled route
7 services. The rates shall be at least equal to the average
8 of the lowest rates charged by the three largest private
9 ~~charter-party~~ charter-party carriers operating similar
10 service in Los Angeles County. The schedule of rates shall
11 be effective from May 1, 1984, to September 30, 1984,
12 inclusive.

13 *(e) The district may provide charter service for a*
14 *national political convention to be held in Los Angeles in*
15 *August, 2000, to the extent that private charter-party*
16 *carriers are not capable of providing that service. As used*
17 *in this subdivision, the phrase "not capable of providing*
18 *that service" includes, but is not limited to, the inability*
19 *to meet requirements including, but not limited to,*
20 *requirements with regard to unique equipment, fuel*
21 *type, number of doors, accommodations for standing*
22 *passengers, handicap accessibility, or the nature of the*
23 *service.*

24 *SEC. 2. This act is an urgency statute necessary for*
25 *the immediate preservation of the public peace, health,*
26 *or safety within the meaning of Article IV of the*
27 *Constitution and shall go into immediate effect. The facts*
28 *constituting the necessity are:*

29 *In order to allow the Southern California Rapid Transit*
30 *District to provide charter bus service for the 2000*
31 *Democratic National Convention, to be held in Los*
32 *Angeles in August, 2000, it is necessary that this act take*
33 *immediate effect. Code is amended to read:*

34 ~~163. The Legislature, through the enactment of this~~
35 ~~section, intends to establish a policy for the use of all~~
36 ~~transportation funds that are available to the state,~~
37 ~~including the State Highway Account, the Public~~
38 ~~Transportation Account, and federal funds. For the~~
39 ~~purposes of this section, "federal funds" means any~~
40 ~~obligational authority to be provided under annual~~

~~federal transportation appropriations acts. The department and the commission shall prepare fund estimates pursuant to Sections 14524 and 14525 of the Government Code based on all of the following:~~

~~(a) Annual expenditures for the administration of the department shall be the same as the most recent Budget Act, adjusted for inflation.~~

~~(b) Annual expenditures for the maintenance and operation of the state highway system shall be the same as the most recent Budget Act, adjusted for inflation and inventory.~~

~~(c) Annual expenditure for the rehabilitation of the state highway system shall be the same as the most recent Budget Act, or, if a long-range rehabilitation plan has been enacted pursuant to Section 164.6, it shall be based on planned expenditures in a long-range rehabilitation plan prepared by the department pursuant to Section 164.6.~~

~~(d) Annual expenditures for local assistance shall be the amount required to fund local assistance programs required by state or federal law or regulations, including, but not limited to, railroad grade crossing maintenance, bicycle transportation account, congestion mitigation and air quality, regional surface transportation programs, local highway bridge replacement and rehabilitation, local seismic retrofit, local hazard elimination and safety, and local emergency relief.~~

~~(e) Annual expenditures for the soundwall retrofit program shall be equal to the amount of state funds that are needed annually to complete, on or before July 1, 2003, the design and construction of the soundwalls included on the May 3, 1989, priority list established by the department pursuant to former Section 215.5. Notwithstanding any other provision of law, the department may recommend to the commission that a soundwall project be deleted from the list, and the commission, based upon that recommendation, may delete the project if it determines that the project is not cost-effective, and that the deletion of the project will not negatively impact the public health, safety, or welfare.~~

~~(f) (1) Annual expenditures for development of a waterborne transit system in the nine county San Francisco Bay area, as defined in Section 28504 of the Public Utilities Code, shall be equal to the amount of state funds that are needed to complete, on or before July 1, 2003, both of the following:~~

~~(A) Planning and design of the waterborne transit system in that area.~~

~~(B) Development of the land-based infrastructure necessary to support the waterborne transit system in that area.~~

~~(2) The total expenditure under this subdivision may not be more than thirty million dollars (\$30,000,000).~~

~~(g) After deducting expenditures for administration, operation, maintenance, local assistance, safety, rehabilitation, retrofit soundwalls, and development of a waterborne transit system in the area defined in subdivision (f) pursuant to subdivisions (a), (b), (c), (d), (e), and (f) and for expenditures pursuant to Section 164.56, the remaining funds shall be available for capital improvement projects to be programmed in the state transportation improvement program.~~

~~SEC. 2. Section 164 of the Streets and Highways Code is amended to read:~~

~~164. (a) Funds made available for transportation capital improvement projects under subdivision (g) of Section 163 shall be programmed and expended for the following program categories:~~

~~(1) Twenty five percent for interregional improvements.~~

~~(2) Seventy five percent for regional improvements.~~

~~(b) Sixty percent of the funds available for interregional improvements under paragraph (1) of subdivision (a) shall be programmed and expended for improvements to state highways that are specified in Sections 164.10 to 164.20, inclusive, and that are outside the boundaries of an urbanized area with a population of more than 50,000, and for intercity rail improvements.~~

~~(c) Not less than 15 percent of the amount of funds programmed under subdivision (b) shall be programmed~~

1 ~~for intercity rail improvement projects, including~~
2 ~~separation of grade projects.~~

3 ~~(d) Funds made available under paragraph (1) of~~
4 ~~subdivision (a) shall be used for transportation~~
5 ~~improvement projects that are needed to facilitate~~
6 ~~interregional movement of people and goods. The~~
7 ~~projects may include state highway, intercity passenger~~
8 ~~rail, mass transit guideway, or grade separation projects.~~

9 ~~(e) Funds made available under paragraph (2) of~~
10 ~~subdivision (a) shall be used for transportation~~
11 ~~improvement projects that are needed to improve~~
12 ~~transportation within the region. The projects may~~
13 ~~include, but shall not be limited to, improving state~~
14 ~~highways, local roads, public transit, intercity rail,~~
15 ~~pedestrian, and bicycle facilities, and grade separation,~~
16 ~~transportation system management, transportation~~
17 ~~demand management, soundwall projects not included~~
18 ~~on the May 3, 1989, retrofit soundwall priority list~~
19 ~~established by the department pursuant to former~~
20 ~~Section 215.5, intermodal facilities, safety, and providing~~
21 ~~funds to match federal funds.~~

22 ~~SEC. 3. Section 167 of the Streets and Highways Code~~
23 ~~is amended to read:~~

24 ~~167. (a) Funds in the State Highway Account in the~~
25 ~~State Transportation Fund shall be programmed,~~
26 ~~budgeted subject to Section 163, and expended to~~
27 ~~maximize the use of federal funds and shall be based on~~
28 ~~the following sequence of priorities:~~

29 ~~(1) Operation, maintenance, and rehabilitation of the~~
30 ~~state highway system.~~

31 ~~(2) Safety improvements where physical changes,~~
32 ~~other than adding additional lanes, would reduce~~
33 ~~fatalities and the number and severity of injuries.~~

34 ~~(3) Retrofit soundwalls, as specified in subdivision (e)~~
35 ~~of Section 163.~~

36 ~~(4) Development of a waterborne transit system in~~
37 ~~the area defined in subdivision (f) of Section 163, as~~
38 ~~specified in subdivision (f) of Section 163.~~

39 ~~(5) Transportation capital improvements that expand~~
40 ~~capacity or reduce congestion, or do both.~~

~~(6) Environmental enhancement and mitigation programs.~~

~~(b) With respect to the funds in the State Highway Account, in the Public Transportation Account, and in the Passenger Rail Bond Fund, the proposed budget shall be organized on a program basis. The proposed budget shall list the proposed expenditures for the transportation program under the following program elements:~~

~~(1) Administration.~~

~~(2) Program development.~~

~~(3) Maintenance.~~

~~(4) State highway operation and protection.~~

~~(5) Local assistance.~~

~~(6) Interregional improvements.~~

~~(7) Regional improvements.~~

~~(8) Environmental enhancement and mitigation programs.~~

~~(e) State operations expenditure amounts of the department for interregional and regional transportation improvement projects shall be listed as required by subdivision (b) of Section 14529 of the Government Code, but those amounts other than those for the acquisition of rights-of-way and construction shall not be subject to allocation by the commission.~~

~~(d) To align the annual budget with the adopted state transportation improvement program, the department may submit to the Department of Finance revised capital outlay support and capital outlay budget estimates as part of its May revision process.~~

~~(e) The budget shall not include specific appropriations for specific transportation improvement projects, and the Legislature shall not enact legislation containing specific individual transportation projects.~~

~~(f) The basis for defining major and minor capital outlay projects shall be established by the commission.~~

~~(g) The Legislative Analyst shall prepare an analysis of the proposed expenditures for each program element as a part of the budget analysis.~~

~~SEC. 4. Section 215.5 of the Streets and Highways Code is repealed.~~

1 ~~SEC. 5. Section 215.6 of the Streets and Highways~~
2 ~~Code is repealed.~~

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